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EXAMINER

DUONG, OANH L

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,184

Applicant(s)

SIMPSON ET AL.

Examiner

Oanh Duong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-18 and 20-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-18, and 20-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 5, 6 and 19 have been cancelled.

Claims 1-4, 7-18, and 20-37 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 7, 9, 13-14, 17-18, and 20-21 are rejected under 35

U.S.C. 103(a) as obvious over Hamzy (US 6,623,527 B1) in view of Moyer et al. (Moyer) (US 2002/0174206 A1).

Regarding claim 1, Hamzy teaches a system for printing target data from a web application used through a browser (i.e., browser 48, Fig. 1) of a client computer (i.e., computer 10) that is operatively connected to a server providing the web application (i.e., a browser network support, e.g., printing), comprising:

a client computer (i.e., computer 10) having a browser (i.e., browser 48) for using the web application (i.e., a browser network support, e.g., printing) [col. 4 lines 33-53];

a web application content (i.e., web page 109, Fig. 2) for providing the web application on said browser (i.e., the page is modified to include the push

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button of the present invention. In the case of a web page written in HTML, a short section of HTML is inserted into the page which describes the appearance of the button for the browser to present as well as the action which should be taken if a button is depressed) [col. 4 lines 54-65 and col. 5 line 22-col. 6 line 2];

a repository for storing data associated with a user profile [col. 5 lines 60-67]; and,

a print destination server specified by the user for printing the target data (i.e.,

allow the user the choice of printer services (typically a dedicated printer server to be used) [col. 5 lines 4-8];

wherein the web application content directs the browser to said print destination server responsive to user print selection (i.e., send a print request including identifying information to the appropriate URL...the print server depending upon the URL to which the print request was directed [col. 5 lines 40-48 and col. 6 lines 19-26 and 37-40].

Hamzy does not explicitly teach a web server for providing the web application; however, Hamzy teaches a proxy server for providing web application [col. 4 lines 54-65]. It would have been obvious to a person of ordinary skill in the Data Processing art at the time of the invention was made that Hamzy implicitly discloses proxy server equivalent to web server disclosed in the application's specification. A person of ordinary skill in the art would have recognized that the proxy server of Hamzy performs the identical function (i.e., providing a web application) specified in the claim in substantially the same way

(i.e., the web application is inserted onto the web page), and produces substantially the same result (i.e., for printing) as the web server disclosed in the specification.

Hamzy does not explicitly teach transfers data to the personal imaging repository responsive to a user selection.

Moyer teaches method and apparatus wherein information is transfer from peripheral device to client computer by a software component (see abstract) Moyer teaches transfers data to the personal imaging repository responsive to selection [page 11 paragraph 87].

It would have been obvious to one having ordinary skill in the art at the time the invention to incorporate transfers data to the personal imaging repository responsive to the user selection of Moyer in the process of printing information in Hamzy. One would be motivated to do so to avoid the need to install and execute separate application program in client computer for selecting and/or uploading images [Moyer, page 2 paragraph 15].

Regarding claim 2, Hamzy teaches the system of claim 1, wherein said web application content creates and sends a URL request to said web server responsive to user print selection (i.e., action specified is to send a URL request that is print request back to the proxy server) [col. 4 lines 54-66].

Regarding claim 7, Hamzy teaches the system as defined in claim 1.

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Hamzy does not explicitly teach said personal imaging repository is located on said client computer.

However, Moyer teaches said personal imaging repository is located on said client [page 11 paragraphs 87-89].

It would have been obvious to one having ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of Hamzy to include personal imaging repository is located on the client because it would enable the client computer to avoid the need to install and execute separate application program for selecting and/or uploading images [Moyer, page 2 paragraph 15].

Regarding claim 9, Hamzy teaches said personal imaging repository is an exchange infrastructure between the data and the available web services [col. 5 lines 49-67].

Regarding claim 13, Hamzy teaches said print destination server is indicated by a Uniform Resource Locator in said URL request [col. 4 lines 69-73].

Regarding claim 14, Hamzy teaches the print destination server sends a print content responsive to said browser being directed to said printer destination server (i.e., the proxy server (or a dedicated print server) to which the print request is sent...page is received, it is sent to the printer or other network services available in the network) [col. 4 line 54-col. 5 line 8].

Regarding claim 17, Hamzy teaches said web application directs said browser of said client computer to the print destination server [col. 6 lines 20-23]

Regarding claim 18, Hamzy teaches a method for printing target data from a web application used through a browser (i.e., browser 48, Fig. 1) of a client computer (i.e., computer 10) that is operatively connected to a server (or proxy server) providing the web application (i.e., a browser network support, e.g., printing), said method comprising the steps of:

 sending an URL request for printing the target data responsive to user print selection on said web application content (i.e., send a URL request that is a print request back to the proxy server, or to a dedicated print server) [col. 4 lines 33-65];

 directing the browser to a print destination server indicated by said URL request by said web application content (i.e., browser refers to the embedded HTML to determine the appropriate action to take, i.e., send a print request including identifying information to the appropriate URL) [col. 6 lines 3-26]; and,

 printing the target data by said print destination server (i.e., the document is then printed at a printer associated with the print server) [col. 2 lines 51-52, col. 4 lines 54-65 and col. 5 lines 9-21] according with user specified print configuration (i.e., it also has another button to set the user preferences for printing) [col. 5 lines 4-8 and col. 7 lines 35-36].

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Hamzy does not explicitly teach sending a web application content by the web server to the browser responsive to a request for web content by the browser; however, Hamzy teaches sending a web application content by the proxy server to the browser responsive to a request for web content by the browser [col. 4 lines 33-65]. It would have been obvious to a person of ordinary skill in the Data Processing art at the time of the invention was made that Hamzy implicitly discloses proxy server equivalent to web server disclosed in the application's specification. A person of ordinary skill in the art would have recognized that the proxy server of Hamzy performs the identical function (i.e., providing a web application) specified in the claim in substantially the same way (i.e., the web application is inserted onto the web page), and produces substantially the same result (i.e., for printing) as the web server disclosed in the specification.

Hamzy does not explicitly teach transfers data to the personal imaging repository responsive to a user selection.

Moyer teaches method and apparatus wherein information is transfer from peripheral device to client computer by a software component (see abstract) Moyer teaches transfers data to the personal imaging repository responsive to selection [page 11 paragraph 87].

It would have been obvious to one having ordinary skill in the art at the time the invention to incorporate transfers data to the personal imaging repository responsive to the user selection of Moyer in the process of printing information in Hamzy. One would be motivated to do so to avoid the need to install and

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execute separate application program in client computer for selecting and/or uploading images [Moyer, page 2 paragraph 15].

Regarding claim 20, Hamzy teaches creating said URL request according to user selection [col. 4 lines 24-65].

Regarding claim 21, Hamzy teaches determining whether said print destination server is available, and returning an error message when said printer destination server not available [col. 6 line 52-col. 7 line 6].

3. Claim 23 is rejected under 35 U.S.C. 103(a) as obvious over Hamzy

Regarding claim 23, Hamzy teaches computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when executed causes a computer (i.e., proxy server) to:

direct said browser to a print destination server indicated by said URL request by said web application content (i.e., browser refers to the embedded HTML to determine the appropriate action to take, i.e., send a print request including identifying information to the appropriate URL) [col. 6 lines 3-26]; and,

printing the target data by said print destination server (i.e., the document is then printed at a printer associated with the print server) [col. 2 lines 51-52, col. 4 lines 54-65 and col. 5 lines 9-21] according with user specified print

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configuration (i.e., it also has another button to set the user preferences for printing) [col. 5 lines 4-8 and col. 7 lines 35-36].

Hamzy does not teach send a web application content by a web server to a browser responsive to a request for web content by the browser, and send a URL request for printing the target data to a web server responsive to user print selection on a web application. However, Hamzy teaches send a web application content (i.e., web page 109, Fig. 2) by a proxy server to a browser responsive to a request for web content by the browser (i.e., the proxy server then send the modified page to the client system) [col. 4 line 54-col. 6 line 2], and send a URL request for printing the target data to a proxy server responsive to user print selection on a web application (i.e., the action specified is to send a URL request that is a print request back to the proxy server). It would have been obvious to a person of ordinary skill in the Data Processing art at the time of the invention was made that Hamzy implicitly discloses proxy server equivalent to web server disclosed in the application's specification. A person of ordinary skill in the art would have recognized that the proxy server of Hamzy performs the identical function (i.e., providing a web application) specified in the claim in substantially the same way (i.e., the web application is inserted onto the web page), and produces substantially the same result (i.e., for printing) as the web server disclosed in the specification.

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4. Claims 3-4, 8, and 10-12 are rejected under 35 U.S.C. 103(a) as obvious over Hamzy in view of Moyer, and further in view of Pineau (US 2002/0181010 A1).

Regarding claim 3, Hamzy teaches the system as defined in claim 2.

Hamzy does not explicitly teach web server constructs imaging data for the target data upon user print selection. However, Pineau teaches teach web server constructs imaging data for the target data upon user print selection (i.e., in response to receipt the "print" command, the image server extracts the selected image 102 and optionally processed the selected image102 to generate processed image 106). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the step of constructing image data for the target data upon user print selection of Pineau in the process of printing a document in Hamzy-Moyer because such constructing step would enable the web server (or image server, or printing server) to process the printing information (or target data) to tailor the printing information based on the capabilities of the printer. Thus, techniques for downloading and printing digital images using a mobile computing device would be improved [Pineau, page 2 paragraph 13].

Regarding claim 4, Hamzy teaches the system as defined claim 2.

Hamzy does not explicitly teach said imaging data is digital data of the target data that is capable of being represented as two dimensional graphics.

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However, Pineau teaches said imaging data is digital data of the target data that is capable of being represented as two dimensional graphics (i.e., transaction service may communicate with the printing server describe above to produce the printing information to be printed (such as a digital image of the purchased item)) [page 3 paragraph 29].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the imaging data of Pineau in the process of printing information in Hamzy-Moyer because it would provide improved techniques for downloading and printing digital image using a mobile computing device [Pineau, page 2 paragraph 13].

Regarding claim 8, Hamzy teaches the system as defined in claim 1.

Hamzy does not explicitly teach said personal imaging repository is located on a store server. However Pineau teaches said personal imaging repository is located on a store server [page 4 paragraphs 44 and 48].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of Hamzy-Moyer to include personal imaging repository is located on a store server because it would provide improved techniques for downloading and printing digital image using a mobile computing device [Pineau, page 2 paragraph 13].

Regarding claim 10, Hamzy teaches the system as defined in claim 1.

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Hamzy does not explicitly teach personal imaging repository comprises an imaging data store assigned to the user profile for storing imaging data.

However, Pineau teaches personal imaging repository comprises an imaging data store assigned to the user profile for storing imaging data [pages 4-5 paragraph 48].

It would have been obvious to a person of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of Hamzy-Moyer to include personal imaging repository comprises an imaging data store assigned to the user profile for storing imaging data because it would provide improved techniques for downloading and printing digital image using a mobile computing device [Pineau, page 2 paragraph 13].

Regarding claim 11, Hamzy teaches the system as defined in claim 1.

Hamzy does not explicitly teach personal imaging repository comprises a composition store for storing imaging compositions of the imaging data that are serviced as a single unit.

However, Pineau teaches personal imaging repository comprises a composition store for storing imaging compositions of the imaging data that are serviced as a single unit [page s 4-5 paragraph 48].

It would have been obvious to a person of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of Hamzy-Moyer to include personal imaging repository comprises a composition store for storing imaging compositions of the imaging data that are serviced as a

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single unit because it would provide improved techniques for downloading and printing digital image using a mobile computing device [Pineau, page 2 paragraph 13].

Regarding claim 12, Hamzy-Moyer-Pineau teaches the imaging composition comprising a link reference for each imaging data that is serviced as a single [Pineau, page 4 paragraph 48-page 5 paragraph 50]

5. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamzy in view of Pineau.

Regarding claim 24, Hamzy teaches a computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when executed causes a computer to:

send URL request for printing said target data to a web server responsive to user print selection on a web application (i.e., the action specified is to send a URL request that is a print request back to the proxy server) [col. 4 lines 54-65]; and

Hamzy does not explicitly teach construct, store and print imaging data as claimed.

However, Pineau teaches construct imaging data for said target data by said web server responsive to the request [page 5 paragraph 51]; store said imaging data to a personal imaging repository [page 10 paragraph 107]; and,

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print said imaging data in accordance with a print configuration specified by said print destination server [page 7 paragraph 82- and page 8 paragraph 83-84].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the construct, store and print imaging data of Pineau in the process of printing information in Hamzy because the use of constructing, storing, and printing image data would enable the printing server to process the printing information to tailor the printing information based on the capabilities of the printer, thereby increasing the mobility of the user when printing images [Pineau, page 9 paragraph 101].

Regarding claim 25, Hamzy teaches a method for printing target data from a web application (i.e., a browser network service support, e.g., printing) used through a browser (i.e., browser 48, Fig. 1) of a client computer that is operatively connected to a web browser (i.e., proxy server) providing said web application, said method comprising the steps of:

 sending a web application content by a web server to a browser responsive to a request for web content by the browser (i.e., the proxy server then sends the modified page to the client system) [col. 4 line 33-col. 6 line 2].

 sending URL request for printing the target data to said web server responsive to user print selection on web application (i.e., the action specified is to send a URL request that is a print request back to the proxy server) [col. 4 lines 54-65].

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Hamzy does not explicitly teach construct, store and print imaging data as claimed.

However, Pineau teaches construct imaging data for the target data responsive to the request [page 5 paragraph 51]; storing said imaging data to a personal imaging repository [page 10 paragraph 107]; and printing said imaging data in accordance with a print configuration specified by said print destination server [page 7 paragraph 82- and page 8 paragraph 83-84].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the steps of constructing, storing and printing imaging data of Pineau in the process of printing information in Hamzy because such steps of constructing, storing, and printing image data would enable the printing server to process the printing information to tailor the printing information based on the capabilities of the printer, thereby increasing the mobility of the user when printing images [Pineau, page 9 paragraph 101].

6 Claims 15-16, and 22 are rejected under 35 U.S.C. 103(a) as obvious over Hamzy in view of Moyer, and further in view of Blumberg.

Regarding claim 15, Hamzy teaches the system as defined in claim 10.

Hamzy does not explicitly teach said print content is for user configuration of printing.

However Blumberg teaches said print content is for user configuration of printing (i.e., presents the user with an interface that enables him to select

various finishing options...displaying a finished document with user selected finishing options) [page 4 paragraph 65].

It would have been obvious to a person of ordinary skill in the art at the time to include the print content is for user configuration of printing as in Blumberg because it would allow the user to interactively create, view and customize the content to be printed [Blumberg, page 3 paragraph 40]

Regarding claim 16, Hamzy teaches the system as defined in claim 15.

Hamzy does not explicitly teach said print content transfers said target data with specified configuration to said print destination server for printing.

However, Blumberg teaches said print content transfers said target data with specified configuration to said print destination server for printing [page 7 paragraphs 142-143].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of Hamzy-Moyer to include said print content transfers said target data with specified configuration to said print destination server for printing as in Blumberg because it would allow the user to customize his (or her) printing information [Blumberg, page 3 paragraph 40]

Regarding claim 22, Hamzy teaches the method according to claim 18.

Hamzy does not explicitly teach steps of returning print content, accessing the target data and transferring target data as claimed.

However, Blumberg teaches returning print content for print configuration by said print destination server (i.e., the enabled server computer presents the user with an interface that enables him to select various finishing options) [page 4 paragraph 65]; accessing the target data by said print content responsive to user selection on said print content (i.e., to render a selected page of a document, Virtual Builder client applet fetches a page image from the server to generate an image of the page) [page 9 paragraph 183]; and, transferring the target data with specified print configuration to said print destination server (i.e., sending a document to a print-for-pay service) [page 8 paragraph 158-162].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of Hamzy-Moyer to include the steps of returning print content, accessing the target data and transferring target data as in Blumberg because such steps of returning print content, accessing the target data and transferring target data would allow the user to customize his (or her) printing information and to order and reorder printing of documents through a web interface [Blumberg, page 3 paragraph 40 and page 7 paragraph 142].

7. Claim 26 is rejected under 35 U.S.C. 103(a) as obvious over Hamzy (US 6,623,527 B1) in view of Pineau in further view Blumberg et al. (hereinafter, Blumberg) (US 2003/0140315 A1)

Regarding claim 26, Hamzy teaches directing said browser to a print destination server indicated by said URL request by said web application content (col. 6 lines 3-40).

Hamzy does not explicitly teach returning print content, accessing and transferring said imaging data as claimed.

Pineau teaches returning print content for print configuration by said print destination server [page 7 paragraph 82-page 8 paragraph 83]; and accessing said imaging data by said print content responsive to user print selection on said print content [page 5 paragraph 51]. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the steps of returning print content and accessing imaging data of Pineau in the process of printing information in Hamzy because step of returning print content and accessing imaging data would enable the printing server to process the printing information to tailor the printing information based on the capabilities of the printer, thereby increasing the mobility of the user when printing images [Pineau, page 9 paragraph 101].

Blumberg teaches transferring said imaging data with a specified print configuration to said print destination server [page 7 paragraphs 42-43]. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the step of transferring said imaging data with a specified print configuration of Blumberg in the process of printing information of Hamzy because such step of transferring said imaging data with a

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specified print configuration would allow the user to customize his (or her) printing information [Blumberg, page 3 paragraph 40].

8. Claim 27 is rejected under 35 U.S.C. 103(a) as obvious over Hamzy (US 6,623,527 B1) in view of Pineau, and further in view of Moyer.

Regarding claim 27, Hamzy teaches the method according to claim 25.

Hamzy- Pineau does not explicitly teach the steps of determining, connecting, and transferring as claimed.

However, Moyer teaches determining whether said personal imaging repository is located on said client computer or a store server computer (i.e., the user selects whether to store (at the client computer) or upload the image (to the process device database 230) [page 11 paragraphs 88-89]; connecting to said store server when said personal imaging repository is located on a store server computer (i.e., the applet calls a "submit" AIP function provided by the processed device database 230) [page 11 paragraph 88]; determining whether the connection between said client computer and said store server computer is successful [page 11 paragraph 85] and, transferring imaging data to said store server computer by said client computer (i.e., this causes the image files to be uploaded to and stored in the processed device database 230) [page 11 paragraph 88].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the step of determining, connecting, and transferring of Moyer on the process of printing information in

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Hamzy-Pineau because such steps of determining, connecting, and transferring would allow the client computer to avoid the need to install and execute a separate application program for selecting and /uploading images [Moyer, page 2 paragraph 14]

9. Claims 28-29 and 37 are rejected under 35 U.S.C. 103(a) as obvious over Pineau in view of Moyer

Regarding claim 28, Pineau teaches a method for printing imaging data from a web application used through a browser (i.e., web browser 122) of a client computer (i.e., cell phone 116) that is operatively connected to a web server (i.e., image server 104) providing said web application, wherein said web application is linked to a personal imaging repository having an imaging data store for storing the imaging data (i.e., stored images 101) and a composition store for storing imaging compositions (i.e., user's account, password, and cell telephone number, page 4 paragraph 48) with links to the imaging data serviced as a single unit [Fig. 1], said method comprising the steps of:

requesting to print the imaging data from the web application to a print destination server by the browser (i.e., the user issues a "print" command to print the selected image) [page 5 paragraphs 50-51];

printing the imaging data by the print destination server [page 5 paragraph 57-page 6 paragraph 62], and

wherein said personal imaging repository is an exchange infrastructure between the imaging data and available services [page 4 paragraph 48-page 5 paragraph 50].

Pineau does not explicitly teach transferring imaging data to a personal imaging repository by said web application responsive to the request by the browser.

Moyer teaches transferring imaging data to a personal imaging repository by said web application responsive to the request by the browser (i.e., the data item corresponding to an image is transferred directly from the peripheral device 202 to memory locations in the client computer²⁰⁴ allocated to be used by the applet) [page 11 paragraph 87].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the step of transferring imaging data to a personal imaging repository by said web application responsive to the request by the browser of Moyer in the process of printing imaging data in Pineau because such step of transferring imaging data to a personal imaging repository by said web application responsive to the request by the browser would allow the imaging data to be transmitted and stored on the client computer without the need to install and execute a separate application program [Moyer, page 2 paragraph 14].

Regarding claim 29, Pineau does not explicitly teach connecting and transferring the imaging data as claimed. Moyer teaches connecting with the

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imaging data store of the personal imaging repository (i.e., image file is uploaded using a socket connection that uploads the image file to the process device data database) [page 11 paragraph 88]; and, transferring the imaging data to the imaging data store (i.e., the selected processed image can be transmitted from the memory corresponding to the software component 212 to the processed device data database 230) [page 6 paragraph 50]. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the steps of connecting and transferring imaging data of Moyer in the process of printing imaging data in Pineau because such steps of connecting and transferring imaging data would allow the imaging data to be transmitted and stored on the client computer without the need to install and execute a separate application program [Moyer, page 2 paragraph 14].

Regarding claim 37, A computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when installed in a web application linked to a personal imaging repository with an imaging data store for storing the imaging data and a composition store for storing imaging compositions with links to the imaging data serviced as a single unit [Fig. 1], the product causes the scanning device to:

Request print for the imaging data from the web application to a print destination server by the browser (i.e., the user issues a "print" command to print the selected image) [page 5 paragraphs 50-51];

print the imaging data by the print destination server [page 5 paragraph 57-page 6 paragraph 62], and

wherein said personal imaging repository is an exchange infrastructure between the imaging data and available services [page 4 paragraph 48-page 5 paragraph 50].

Pineau does not explicitly teach transfer imaging data to a personal imaging repository by said web application responsive to the request by the browser.

Moyer teaches transfer imaging data to a personal imaging repository by said web application responsive to the request by the browser (i.e., the data item corresponding to an image is transferred directly from the peripheral device 202 to memory locations in the client computer²⁰⁴ allocated to be used by the applet) [page 11 paragraph 87].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the step of transferring imaging data to a personal imaging repository by said web application responsive to the request by the browser of Moyer in the process of printing imaging data in Pineau because such step of transferring imaging data to a personal imaging repository by said web application responsive to the request by the browser would allow the imaging data to be transmitted and stored on the client computer without the need to install and execute a separate application program [Moyer, page 2 paragraph 14].

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10. Claims 30, 33-34, and 36 are rejected under 35 U.S.C. 103(a) as obvious over Pineau in view of Moyer in further view of Rubert at al. (Rubert) (US 6,366,915).

Regarding claim 33, Pineau-Moyer teaches obtaining a link reference of the imaging data stored in the personal imaging data store, connecting with the composition store of the personal imaging repository indicated from the user Information, creating an imaging composition having a link reference to the imaging data stored in the personal imaging data store and saving the imaging composition to the composition store (Pineau, page 4 paragraph 48-page 5 paragraph 50).

Regarding claims 30 and 34, Pineau teach obtaining a link reference of the imaging data stored in the personal imaging data store [page 5 paragraph 49].

Pineau-Moyer does not explicitly teach disconnecting (i.e., logs off) from the data store.

Rubert teaches disconnecting from the data store [col. 13 lines 13-28].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the step of disconnecting from the data store of Rubert in the process of printing imaging data in Pineau-Moyer because it would allow the system to efficiently retrieve information from one or several databases [Rubert, col. 2 lines 55-57].

Regarding claim 36, Pineau-Moyer teaches creating an imaging adding the link reference of the imaging data stored in the imaging data store to the imaging composition (Pineau, page 4 paragraph 48-page 5 paragraph 50).

11. Claims 31-32 and 35 are rejected under 35 U.S.C. 103(a) as obvious over Pineau in view of Moyer in further view of Nielsen (US 6510461 B1)

Regarding to claim 31, Pineau-Moyer teaches converting the imaging data into a predetermined format [Moyer, page 11 paragraph 88]

Pineau-Moyer does not explicitly teach determining whether the connection is successful, and returning an error message to the user when the connection is not successful.

Nielsen teaches determining whether the connection is successful, and returning an error message to the user when the connection is not successful (col. 17 line 60-col. 17 line 7). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the determining and returning steps of Nielsen in the process of printing imaging data in Pineau-Moyer because such determining and returning steps would allow a user to retrieve information referenced in the source document conveniently and without error [Nielsen, col. 3 lines 8-11].

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Regarding claim 32, Pineau-Moyer-Nielsen teaches said predefined format is any one from the group consisting of: Joint Photographic Experts Group Format; Graphics Interchange Format; Portable Network Graphics Format; Tagged Image File Format; Portable Document Format; and, Microsoft Windows bitmap format (Moyer, page 11 paragraph 88).

Regarding claim 35, Pineau-Moyer does not explicitly teach determining whether the connection is successful, and returning an error message to the user when the connection is not successful.

Nielsen teaches determining whether the connection is successful, and returning an error message to the user when the connection is not successful (col. 17 line 60-col. 17 line 7). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the determining and returning steps of Nielsen in the process of printing imaging data in Pineau-Moyer because such determining and returning steps would allow a user to retrieve information referenced in the source document conveniently and without error [Nielsen, col. 3 lines 8-11].

Response to Arguments

12. In the remarks, applicants argued in substance that

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(A) Applicants have filed the 131 Declaration of the undersigned which establishes that present invention was completed prior to the filing dates of prior art.

As to point (A), the 131 Declaration is not properly executed since it is executed by attorney (see MPEP 715.04 I (A)-(D)).

The following parties may make an affidavit or declaration under 37 CFR 1.131:

- (A) All the inventors of the subject matter claimed.
- (B) An affidavit or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection. For example, one of two joint inventors is accepted where it is shown that one of the joint inventors is the sole inventor of the claim or claims under rejection.
- (C) **> If a petition under 37 CFR 1.47 was granted or the application was accepted under 37 CFR 1.42 or 1.43, the affidavit or declaration may be signed by the 37 CFR 1.47 applicant or the legal representative, where appropriate.<
- (D) The assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor. *Ex parte Foster*, 1903 C.D. 213, 105 O.G. 261 (Comm'r Pat. 1903).

Affidavits or declarations to overcome a rejection of a claim or claims must be made by the inventor or inventors of the subject matter of the rejected claim(s), a party qualified under 37 CFR 1.42, 1.43, or 1.47, or the assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor(s). Thus, where all of the named inventors of a pending application are not inventors of every claim of the application, any affidavit under 37 CFR 1.131 could be signed by only the inventor(s) of the subject matter of the rejected claims. Further, where it is shown that a joint inventor is deceased, refuses to sign, or is otherwise unavailable, the signatures of the remaining joint inventors are sufficient. However, the affidavit or declaration, even though signed by fewer than all the joint inventors, must show completion of the invention by all of the joint inventors of the subject matter of the claim(s) under rejection. *In re Carlson*, 79 F.2d 900, 27 USPQ 400 (CCPA 1935).

Further, from applicants' remarks, it appears that he is attempting to show Reduction to Practice of the claimed invention. Proof of Actual Reduction to

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Practice requires a showing that apparatus actually existed and worked from its intended purpose. A description or writing of the invention is not sufficient (see MPEP 715.07 III (A)-(c)).

Note, with respect to MPEP 715.07 III (c), should applicant attempt to show conception with due diligence. And with MPEP 715.07 (a) "an inventor is either diligent at a given time or he is not diligent; there are no degrees of diligence. An applicant may be diligent within the meaning of the patent law when he or she is doing nothing, if his or her lack of activity is excused. Note, however, that the record must set forth an explanation or excuse for the inactivity".

(B) Applicants dispute that a proxy server of applied prior art is equivalent to applicant's claimed web server.

As to point (B), A person of ordinary skill in the art would have recognized that the proxy server of Hamzy performs the identical function (i.e., providing a web application) specified in the claim in substantially the same way (i.e., the web application is inserted onto the web page), and produces substantially the same result (i.e., for printing) as the web server disclosed in the specification. Therefore, a proxy server of applied prior art is equivalent to applicant's claimed web server (see MPEP 2183).

...(A) the prior art element performs the identical function specified in the claim in substantially the same way, and produces substantially the same results as the corresponding element disclosed in the specification. *Kemco Sales, Inc. v. Control Papers Co.*, 208 F.3d 1352, 54 USPQ2d 1308 (Fed. Cir. 2000) (An

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internal adhesive sealing the inner surfaces of an envelope pocket was not held to be equivalent to an adhesive on a flap which attached to the outside of the pocket. Both the claimed invention and the accused device performed the same function of closing the envelope. But the accused device performed it in a substantially different way (by an internal adhesive on the inside of the pocket) with a substantially different result (the adhesive attached the inner surfaces of both sides of the pocket)); *Odetics Inc. v. Storage Tech. Corp.*, 185 F.3d 1259, 1267, 51 USPQ2d 1225, 1229-30 (Fed. Cir. 1999); *Lockheed Aircraft Corp. v. United States*, 193 USPQ 449, 461 (Ct. Cl. 1977). The concepts of equivalents as set forth in *Graver Tank & Mfg. Co. v. Linde Air Products*, 339 U.S. 605, 85 USPQ 328 (1950) are relevant to any "equivalents" determination. *Polumbo v. Don-Joy Co.*, 762 F.2d 969, 975 n.4, 226 USPQ 5, 8-9 n.4 (Fed. Cir. 1985).

(C) Applicant argued that the difference between the proxy server and the web server are clearly described by Hamzy and it is mere speculation and attempted hindsight reconstruction.

As to point (C), In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from

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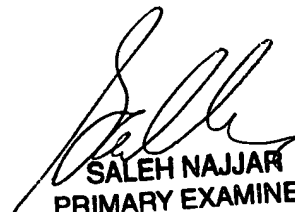
the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 2:00PM - 10:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
October 3, 2005



SALEH NAJJAR
PRIMARY EXAMINER